

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

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CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY RN  
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GEL BLASTER, INC. F/K/A  
GEL BLASTER, LLC,

Plaintiff,

v.

HASBRO, INC.,

Defendant.

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No. \_\_\_\_\_

1:22CV00828 LY

**GEL BLASTER, INC.'S MOTION TO FILE UNDER SEAL**

Gel Blaster, Inc., F/K/A Gel Blaster, LLC ("Gel Blaster" or "Plaintiff"), respectfully moves this Court for permission to file limited portions of its Complaint and the exhibits thereto UNDER SEAL. In support of this Motion to Seal, Gel Blaster would show as follows:

1. Gel Blaster's Complaint describes and attaches as exhibits certain agreements between Gel Blaster and defendant Hasbro, Inc. ("Hasbro") that contain confidentiality provisions.
2. The Complaint discusses a Term Sheet that outlined a proposed business transaction between the parties and the parties' related negotiations. (Compl., ¶¶ 21-28.) In a letter enclosing the Term Sheet, the parties "agree[d] not to disclose, directly or indirectly, the existence of this agreement, that Hasbro is considering making or has made an offer to engage in a strategic transaction with [Gel Blaster], or the terms of any offer Hasbro has made to [Gel Blaster]." (Compl., Ex. B at p. 2.)

3. The Complaint also discusses the existence and content of the parties' Common Interest Agreement, which provides that "[t]his Agreement shall be kept confidential under the Common Interest Privilege." (Compl., ¶¶ 31-37; Compl., Ex. D.)

4. Gel Blaster does not believe that the confidentiality provisions in the Term Sheet and the Common Interest Agreement require that both the existence and content of those agreements be sealed from the public view. However, Gel Blaster respectfully requests that the Court seal limited sensitive business information contained in the Term Sheet and discussed in the Complaint.

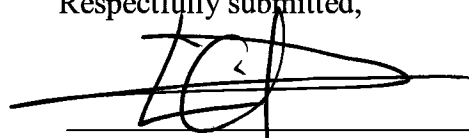
5. The Term Sheet and the Complaint disclose the price at which Hasbro proposed to purchase a substantial equity stake in Gel Blaster. At this time, the price term is highly sensitive, propriety, and confidential business information. *See Cellular Commc'ns Equip., LLC v. Apple Inc.*, 6:14-CV-251-KNM, 2017, 2017 WL 10311215 (E.D. Tex. Jan. 5, 2017) (sealing price term in license agreements because disclosure could cause competitive disadvantage and collecting cases holding as much). Gel Blaster thus asks that the Court seal the price figure contained in Paragraph 26 of the Complaint and in the first line of Paragraph A of the Term Sheet (Compl., Ex. B at p. 3, ¶ A).

6. After Gel Blaster serves the Complaint and this Motion to Seal on Hasbro, and after Gel Blaster learns who will be representing Hasbro, Gel Blaster will confer with Hasbro regarding its position on what information contained in the Complaint and the accompanying exhibits should be sealed.

WHEREFORE, Gel Blaster respectfully requests that the Court grant this Motion to Seal.

Date: August 12, 2022

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'W. C. Petit', written over a horizontal line.

William C. Petit  
Attorney-In-Charge  
Texas Bar No. 24042289  
Federal ID No. 695469  
KELLEY DRYE & WARREN LLP  
515 Post Oak Blvd., Suite 900  
Houston, Texas 77027  
Telephone: (713) 355-5000  
Facsimile: (713) 355-5001  
wpetit@kelleydrye.com

OF COUNSEL:


Scott W. Doyle (*pro hac vice* forthcoming)  
KELLEY DRYE & WARREN LLP  
3050 K Street NW, Suite 400  
Washington, DC 20007  
Tel: 202 342-8845  
sdoyle@kelleydrye.com

Lana M. Rowenko  
State Bar No. 24094929  
KELLEY DRYE & WARREN LLP  
515 Post Oak Blvd., Suite 900  
Houston, Texas 77027  
Telephone: (713) 355-5000  
Facsimile: (713) 355-5001  
lrowenko@kelleydrye.com

**ATTORNEYS FOR PLAINTIFF  
GEL BLASTER, INC.**


**CERTIFICATE OF SERVICE**

I hereby certify that on August 12, 2022 the foregoing document was filed with the Court and a copy thereof will be served upon Hasbro along with the Complaint pursuant to Rule 4(h) of the Federal Rules of Civil Procedure.

  
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William C. Petit

**CERTIFICATE OF CONFERENCE**

I hereby certify, as set forth in paragraph 6 of this Motion to Seal, that after Gel Blaster serves the Complaint and this Motion to Seal on Hasbro, and after Gel Blaster learns who will be representing Hasbro, Gel Blaster counsel will confer with Hasbro counsel regarding Hasbro's position on what information contained in the Complaint and the accompanying exhibits should be sealed.

  
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William C. Petit